

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
JOHN M. DUNCAN,

Plaintiff,

v.

FRANK SILHA & SONS and  
IUOE LOCAL 139,

Defendants.

-----

ORDER

10-cv-58-slc<sup>1</sup>

In an order dated March 12, 2010, I dismissed plaintiff's proposed amended complaint because it violated Fed. R. Civ. P. 8 and Fed. R. Civ. P. 10, and gave plaintiff until March 25, 2010 to file a second amended complaint. I told plaintiff that if he failed to respond by March 25, I would enter an order directing the clerk of court to close this case.

Plaintiff has not responded to the court's order. Accordingly, IT IS ORDERED that this case is DISMISSED for plaintiff's failure to prosecute it. The clerk of court is directed

---

<sup>1</sup> This case was assigned automatically to Magistrate Judge Stephen Crocker. At this early date, consents to the magistrate judge's jurisdiction have not yet been filed by the parties to this action. Therefore, for the purpose of issuing this order I am assuming jurisdiction over the case.

to enter judgment in favor of defendants and close this case.

Entered this 1<sup>st</sup> day of April, 2010.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge